



An
Bord
Pleanála

Board Direction
BD-016118-24
ABP-317731-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/04/2024.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Remove condition number 3

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to OMIT condition number 3 and the reason therefore.

Reasons and Considerations

1. The subject fence, whilst out of keeping with the architectural character of the dwelling, is not visible to any, other than the residents of the upper and lower ground floors of no. 15. The special architectural interest of the building is not compromised, the rear elevation not being the principal elevation of note. The subject fence allows the principal open space at garden level to be actively used whilst providing a degree of privacy to the users of the lower ground level space.

2. The Board noted that part (iv) of Policy objective HER8 seeks to ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials. The subject fence is a minor element in a large Protected Structure, one that is not visible to the public and one that ensures the structure functions as a family home.
3. The Board were satisfied that that subject development does not negatively impact the special character and appearance of the Protected Structure, is of an appropriate scale, retains the special character of the protected structure, respects the historic fabric and the special interest of the interior, does not interfere with any important elements of the building and is in keeping with the policies and objectives of the Architectural Heritage Guidelines. The Board were satisfied that the proposed development is in accordance with Policy Objective HER8 of the 2022 -2028 county development plan.

Board Member:



Liam Bergin

Date: 22/04/2024